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Attorneys for  
GOOGLE LLC

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**SAN FRANCISCO**

ANIBAL RODRIGUEZ, *et al.* individually and  
on behalf of all other similarly situated,

Plaintiffs,

vs

GOOGLE LLC, *et al.*

Defendant.

Case No. 3:20-CV-04688 RS

**DECLARATION OF EDUARDO E.  
SANTACANA IN SUPPORT OF  
PLAINTIFFS' ADMINISTRATIVE  
MOTION TO SEAL JOINT LETTER BRIEF  
RE: GOOGLE PRESERVATION**

*[Declaration of Steve Ganem in Support of  
Administrative Motion to Seal filed concurrently  
herewith]*

Judge: Hon. Alex G. Tse

Courtroom: A – 15th Floor

Trial Date: Not Yet Set

1 I, EDUARDO E. SANTACANA, declare:

2 1. I am an attorney licensed to practice law in the State of California and am a partner  
3 with the law firm of Willkie Farr & Gallagher LLP, located at One Front Street, San Francisco,  
4 California 94111, counsel for Defendant Google LLC (“Google”) in the above-captioned action.  
5 Unless otherwise stated, the facts I set forth in this declaration are based on my personal  
6 knowledge or knowledge I obtained through my review of corporate records or other  
7 investigation. If called to testify as a witness, I could and would testify competently to such facts  
8 under oath.

9 2. I submit this declaration in support of the Administrative Motion to Consider  
10 Whether Another Party’s Material Should be Sealed (“Motion to Seal”) filed by Plaintiffs. ECF  
11 No. 166. I am making this declaration pursuant to Civil L.R. 79-5(f) as an attorney for the  
12 “Designating Party,” as that term is used in that rule. Per the instructions provided on the  
13 Northern District of California’s website, this declaration is drafted so that it does not contain  
14 confidential information and does not need to be filed under seal. *See*  
15 <http://www.cand.uscourts.gov/ecf/underseal>.

16 3. Steve Ganem, a Google Group Product Manager with supervisory authority  
17 concerning Google Analytics for Firebase, has also reviewed the information Google seeks to  
18 keep under seal and his declaration is submitted in support of the Motion to Seal, on behalf of the  
19 Designating Party within the meaning of Civil L.R. 79-5. ***See Declaration of Steve Ganem in***  
20 ***Support of Plaintiffs’ Motion to Seal filed concurrently herewith.***

21 4. On November 12, 2021, Plaintiffs filed their Motion to Seal, with certain  
22 information conditionally under seal, including (1) portions of the Joint Letter Brief regarding  
23 Google’s preservation (“Preservation Joint Letter Brief”) (ECF No. 166-2); and (2) the  
24 Declaration of Steve Ganem in Support of the Preservation Joint Letter Brief (“Ganem  
25 Declaration”) (ECF No. 166-3). I have reviewed the documents Plaintiffs seek to file under seal  
26 pursuant to Civil Local Rule 79-5, unredacted copies of which have been filed at ECF Nos. 166-2  
27 and 166-3, as well as the Civil Local Rules of this Court governing such motions.  
28

1           5. Google seeks to seal the following information:

2           a. Preservation Joint Letter Brief – portions of page 3, paragraph 3, lines 4-8 and  
3           12-13 that have been filed conditionally under seal (*see* ECF No. 166-2)

4           b. Ganem Declaration – portions of paragraphs 3–6 identified in paragraph 9 below

5           6. Google has thus significantly pared down Plaintiffs’ proposed material to be filed  
6           under seal in the Ganem Declaration, seeking to seal less than six lines, and Google seeks to seal  
7           less than seven lines in the Preservation Joint Letter Brief. None of the redacted portions of the  
8           Preservation Joint Letter Brief or Ganem Declaration that Google seeks to seal would clarify the  
9           public’s understanding of the discovery dispute at issue before the Court. In any case, because the  
10          Motion to Seal was filed in connection with a non-dispositive motion concerning a discovery  
11          dispute, “the usual presumption of the public’s right of access is rebutted.” *Kamakana v. City &*  
12          *Cty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). Accordingly, the lower “good cause”  
13          standard applies to the material Google seeks to seal. *Id.* at 1179–80.

14          7. Based on my review of the unredacted filings, there is good cause to protect all the  
15          information Google seeks to seal.

16          8. Portions of **page 3, paragraph 3, lines 4-8 and 12-13 of the Preservation Joint**  
17          **Letter Brief** that have been filed under seal disclose confidential and proprietary information  
18          relating to the raw data Google receives through GA for Firebase. The amount of raw data Google  
19          receives is highly confidential and proprietary information that reveals Google’s internal strategy,  
20          product design, and its product’s abilities, and falls within the protected scope of the Protective  
21          Order entered in this action. *See* ECF No. 70. Public disclosure of such highly confidential  
22          information could detrimentally affect Google’s competitive standing as competitors may alter  
23          their products or system designs and practices relating to competing products.

24          9. **Paragraphs 3–6 of the Ganem Declaration**, at “REDACTED” (“... the app  
25          measurement logs, which record [REDACTED] entries per day . . .”; “For context, 56 days’ worth  
26          of data totals over [REDACTED]”); “. . . data would cost [REDACTED], and three years would  
27          cost [REDACTED]; preserving it indefinitely . . .”; “. . . Google would need [REDACTED]. To  
28

1 store one year's worth of data, Google would need [REDACTED]; for three years:  
 2 [REDACTED].”), disclose the same confidential information as discussed at paragraph 8 above  
 3 and there is good cause to seal this information for the same reason.

4 10. Courts have repeatedly found it appropriate to seal documents that contain “business  
 5 information that might harm a litigant’s competitive standing, *Nixon v. Warner Commc’ns, Inc.*,  
 6 435 U.S. 589, 589-99 (1978), or any other “commercially sensitive information,” *Palantir Techs.*  
 7 *Inc. v. Abramowitz*, No. 19-CV-06879-BLF, 2021 WL 1925459, at \*2 (N.D. Cal. Mar. 5, 2021).  
 8 Public disclosure of the information Google seeks to keep under seal would harm Google’s  
 9 competitive standing it has earned through years of innovation and careful deliberation, by  
 10 revealing sensitive aspects of Google’s proprietary products, systems, strategies, and designs to  
 11 Google’s competitors. That alone is a proper basis to seal such information. *See, e.g., Free Range*  
 12 *Content, Inc. v. Google Inc.*, No. 14-cv-02329-BLF, ECF No. 192, at 6–8 (N.D. Cal. May 3, 2017)  
 13 (granting Google’s motion to seal certain sensitive business information).

14 11. Google has narrowly tailored its request to seal only extraneous, confidential,  
 15 proprietary material that is not necessary to aid the public’s understanding of the discovery dispute  
 16 at issue. Google has pared down the material to be sealed in the Ganem Declaration, and the  
 17 material to be sealed in the Preservation Joint Letter Brief is likewise limited in scope and volume.  
 18 Because Google’s request to seal is narrowly tailored and is limited to portions that reveal  
 19 confidential information that is not generally known to the public or Google’s competitors, Google  
 20 respectfully requests that the Court order portions of the Preservation Joint Letter Brief and  
 21 Ganem Declaration discussed above to be filed under seal.

22 Executed November 19, 2021, at San Francisco, California.

23 I declare under penalty of perjury under the laws of the United States of America that the  
 24 foregoing is true and correct.

25 /s/ Eduardo E. Santacana  
 26 EDUARDO E. SANTACANA